

**THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MICHAEL G. MARTIN,

Plaintiff,

v.

THOMAS J. FINLEY, et al.,

Defendants.

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**3:15-CV-1620
(JUDGE MARIANI)**

ORDER

AND NOW, THIS 3rd DAY OF APRIL, 2019, upon consideration of Plaintiff

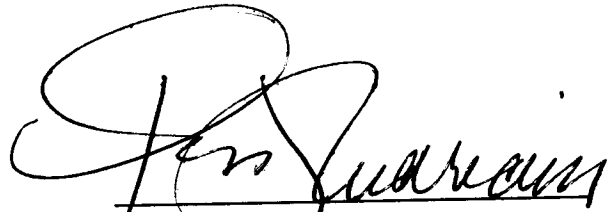
Martin's Motion for Reconsideration of the Court's October 12, 2018 Ruling on Issue Preclusion (Doc. 150), the parties' briefing (Doc. 150-1, Doc. 153, Doc. 154), and the representations made to the Court by the parties during the April 2, 2019 teleconference, and for the reasons set forth in the accompanying Memorandum Opinion,¹ **IT IS HEREBY**

ORDERED THAT the Motion for Reconsideration is **GRANTED AS FOLLOWS:**

1. The Court will permit testimony at trial regarding the issue of whether Defendant Albanese, after his valid appointment to the Med-Dev Board on January 16, 2014, remained a member of the Med-Dev Board from January 16, 2014 to April 19, 2014.

¹ The purpose of the April 2, 2019 teleconference was to clarify the parameters of Plaintiff Martin's request for reconsideration and to obtain additional information on the nature and scope of the June 2015 Delaware Chancery Court proceedings and the discovery undertaken in that case. Participating on the April 2 teleconference on behalf of Plaintiff Martin was Kevin Berry. Participating on behalf of Defendant Albanese was Tim Hinton. *Pro se* Defendant Finley also participated on the call.

2. As Plaintiff Martin confirmed to the Court at the April 2, 2019 teleconference, Plaintiff Martin previously conceded in the June 2015 Delaware Chancery Court action that Defendant Albanese was validly appointed to the Med-Dev Board on January 16, 2014. Plaintiff Martin is not seeking to reopen this specific issue at the upcoming trial in this Court. Therefore, Plaintiff Martin will not be permitted to introduce testimony at trial to contest the previously decided issue that Defendant Albanese was validly appointed to the Med-Dev Board on January 16, 2014.

A handwritten signature in black ink, appearing to read "Robert D. Mariani", written over a horizontal line.

Robert D. Mariani
United States District Judge